



DAC #10

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)
AUS990846US1

First named inventor: Michael Wayne Brown

Group Art Unit: 2174

Application Number: 09/466,000

Examiner: Sy D. Luu

Filed: December 17, 1999

Title: METHOD, SYSTEM, AND PROGRAM FOR SPECIFYING AN ELECTRONIC MENU ON A DATA PROCESSING SYSTEM

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

-110.00 DP

date: 05/13/2003 CKHLOK
AWONDAF1 00000146 09466000

Adjustment
04/10/2003
01 FC:1452

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

1. Petition fee

- ☐ small entity - fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ other than small entity - fee \$ 110.00 (37 CFR 1.17(l)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Amendment B Under 37 C.F.R. 1.111 with 1 month extension (identify the type of reply):

- ☒ has been filed previously on December 20, 2002, and is resubmitted herewith with new check number 7842 in the amount of \$110.00 in payment of the one-month extension fee.
- ☐ is enclosed herewith.

B. The issue fee of \$ _____

- ☐ has been paid previously on _____
- ☐ is enclosed herewith.

Refund Ref: 05/13/2003 CKHLOK 0000127077
CHECK Refund Total: \$110.00

[Page 1 of 3]

Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington DC 20231

04/10/2003 AWONDAF1 00000146 09466000

01 FC:1452 110.00 DP

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OFFICE OF PETITIONS

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)****3. Terminal disclaimer with disclaimer fee**

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity of \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

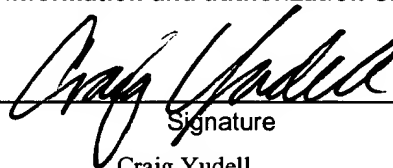
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

April 3, 2003

Date

Telephone

Number: (512) 472.7800



Signature

Craig Yudell

Typed or printed name

BRACEWELL & PATTERSON, L.L.P

Address

P.O. BOX 969; AUSTIN, TEXAS 78767-0969

Enclosures: ☒ Fee Payment Check # 7843

☒ Reply Copies of: Amendment B Under 37 CFR 1.111; Petition for Extension of Time (for one month); copy of check number 7588; and copy of return postcard as mailed on December 20, 2002. New check No. 7842 in the amount of \$110.00 for extension fee.

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unavoidable delay

☒ Declaration by Mary Ann Healey

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

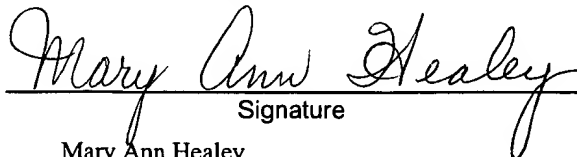
I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

03 April 2003

Date



Signature

Mary Ann Healey

Typed or printed name of person signing certificate

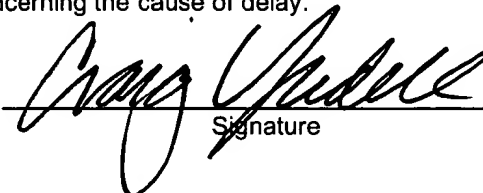
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

April 3, 2003

Date



Signature

Craig Yudell

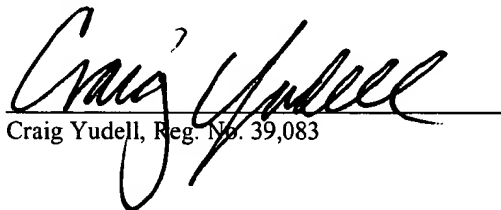
Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

In response to the Notice of Abandonment, dated March 25, 2003, please note the following:

1. Applicants prepared and filed a timely response to the Office letter mailed on 23 August 2002, by depositing same with the United States Postal Service, as is indicated on the Certificate of Mailing which was signed by Mary Ann Healey. The response was also accompanied by a Petition for an Extension of Time, check number 7588 in the amount of \$110.00, and a return postcard.
2. Applicants attach hereto a duly executed Declaration by Mary Ann Healey attesting to this fact.
3. Applicants state that the return postcard was never returned.
4. Applicants state that the check submitted in payment of the one month extension never cleared the bank.
5. Applicants believe that the response was lost in the mails.

Applicants respectfully request that this petition for revival of an application for patent be granted. Applicants enclose check number 7892 in the amount of \$110.00 for the one-month extension fee.



Craig Yudell, Reg. No. 39,083

(Please attach additional sheets if additional space is necessary)

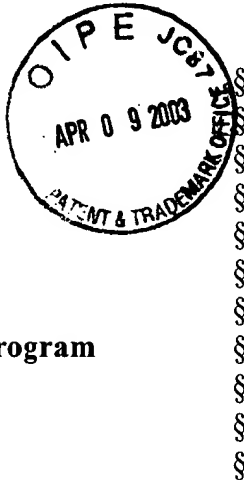
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Michael Wayne Brown

Serial No. 09/466,000

Filed: **December 17, 1999**

For: **Method, System, and Program
for Specifying an Electronic
Menu on a Data Processing
System**



Attorney Docket No. **AUS990846US1**

Examiner: **Sy D. Luu**

Group Art Unit: **2174**

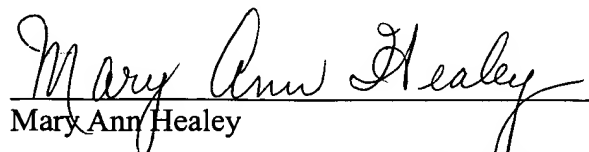
**DECLARATION IN SUPPORT OF PETITION FOR
REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

1. "I, Mary Ann Healey, am over eighteen (18) years of age, of sound mind, capable of making this Declaration and am personally acquainted with the facts stated in it.
2. I am a Patent Secretary at Bracewell & Patterson, L.L.P., having a business address of 111 Congress Avenue, Suite 2300, Austin, Texas, 78701.
3. As evidenced by my signature on the Certificate of Mailing, I certify that I deposited:

Amendment B Under 37 CFR § 1.111;
Petition for Extension of Time Under 37 CFR 1.136(a);
Check No. 7588 for \$110.00; and
Return Postcard

in response to the non-final Office Action dated August 23, 2002, in the above-identified Application with the United States Postal Service as First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on December 20, 2002.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.


Mary Ann Healey

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Received in the U.S.P.T.O.
In re Application of: **Michael Wayne Brown.**
Serial No. **09/466,000**
Filing Date: **December 17, 1999**
Attorney Docket No.: **AUS990846US1**
Title: **Method, System and Program for Specifying an Electronic Menu on a Data Processing System**

ENCLOSED HEREWITH:

1. This return receipt postcard
2. Petition for Extension of Time
3. Amendment A Under 37 C.F.R. § 1.111
4. Check No. 7588 for \$110.00

IBM CORPORATION
Our File No. **0116AD.036672**
Mailed: **December 20, 2002**
CJY:mah

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BRACEWELL & PATTERSON, L.L.P. 3-88
PH. (512) 472-7800
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AUSTIN, TX 78701-4061

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7588

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12/20/2002

PAY TO THE ORDER OF United States Patent And Trademark Office

\$ **110.00

One Hundred Ten and 00/100*****

DOLLARS

Washington, D.C. 20231

MEMO

⑈007588⑈ ⑆113000023⑆ 006040454868⑈

United States Patent And Trademark Office
Reimbursable Adv.

One Month Extension Fee

12/20/2002

7588

110.00

IBM Corporation
Dkt # AUS990846US1

0116AD.036672
Craig Yudell

B&P

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APR 10 2003

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